

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 20, 2004
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING.....	3
ATTENDANCE DURING THE MEETING	3
ITEM-1: ROLL CALL.....	4
ITEM-10: INVOCATION	4
ITEM-20: PLEDGE OF ALLEGIANCE.....	4
NON-AGENDA COMMENT	5
COUNCIL COMMENT	7
CITY MANAGER COMMENT.....	8
CITY ATTORNEY COMMENT	8
ITEM-30: Approval of Council Minutes	8
* ITEM-50: NOTE: This Item has been moved under the Adoption Agenda items for discussion, as Item #202	9
* ITEM-100: Ratify Award of Contract for the Purchase of Security Guard Services at Various Sites per Bid No. 2627-00-P-RFP.....	9
* ITEM-101: State Block Grant 2003/2004 – “Citizen Options for Public Safety.”	11
ITEM-102: El Cajon Boulevard BID Street Lighting.....	12
* ITEM-103: North Park Landscape and Lighting Improvements	14
* ITEM-104: Talmadge Streetscape and Lighting Improvements.....	16

Minutes of Tuesday, January 20, 2004
Table of Contents (Continued)

Page 2

* ITEM-105: Angle Parking on Hancock Street.....	18
* ITEM-106: Angle Parking on National Avenue, Newton Avenue, and Main Street	19
* ITEM-107: Angle Parking on Rosecrans Place	20
* ITEM-108: Establishment of a Two-Hour Un-Metered Parking Zone on Via De La Valle ...	21
* ITEM-109: Reappointment to the Funds Commission	23
* ITEM-110: Reappointment to the Civil Service Commission	23
* ITEM-111: Museum of Photographic Arts 20th Anniversary Day	24
ITEM-200: Market Street Village Affordable Housing and Single Room Occupancy Agreements with EV Two for the Construction of Twenty-Four Studio Apartments (East Village).....	25
ITEM-201: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8	26
ITEM-202: Three actions related to Revisions to Building and Fire Regulations Resulting from the Cedar Fire.....	27
ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement	28
ITEM-330: Fairway Views	29
ITEM-S500: City Endorsement of 10-Year Planning Process to End Chronic Homelessness in the San Diego Region	33
ITEM-S501: Asian Business Association Day	33
ITEM-S503: Exclusive Sale of Property to San Diego Unified School District.....	34
ITEM-S504: Two actions related to Otay Mesa Trunk Sewer (OMTS) Phase II Participation Agreement and Cal Terraces Offsite Sewer.....	36
NON-DOCKET ITEMS	40
ADJOURNMENT.....	40

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:07 a.m. The meeting was recessed by Mayor Murphy at 11:06 a.m. to convene the Housing Authority and thereafter a break. Mayor Murphy reconvened the meeting at 11:16 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:57 a.m. to be reconvened at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:08 p.m. with all Council Members present. The meeting was recessed at 3:53 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:09 p.m. with all Council Members present. The meeting was recessed at 5:03 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:13 p.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 5:14 p.m. to reconvene the Housing Authority. Mayor Murphy reconvened the regular meeting at 5:15 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 5:36 p.m. into Closed Session immediately following the meeting in the twelfth floor conference room to discuss anticipated and existing litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour/Maland (er/gS)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Dr. Richard Freeman of United Church of Christ.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Madaffer.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Al Strohlein commented on the San Diego Data Processing Corporation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. – 10:30 a.m.)

PUBLIC COMMENT-2:

Noel Nuedeck commented on Americans with Disabilities issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:32 a.m.)

PUBLIC COMMENT-3:

Sidney Goodman commented on unsafe and unsanitary conditions at the beaches.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m. – 10:34 a.m.)

PUBLIC COMMENT-4: REFERRED TO THE CITY MANAGER

Richard Shelnutt commented the on misconduct by the San Diego Mission Bay lifeguards.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:38 a.m.)

PUBLIC COMMENT-5:

Gregorie Kay Hedgley-Garber commented on transportation services for students of San Diego City Schools.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:41 a.m.)

PUBLIC COMMENT-6:

S. Stanton Summers commented on Council's actions and the appointment of the Police Chief.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:45 a.m.)

PUBLIC COMMENT-7:

Robert Wright commented on the Torrey Hills Development.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:45 a.m. – 10:47 a.m.)

PUBLIC COMMENT-8:

Ron Boshun commented on Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. – 10:50 a.m.)

PUBLIC COMMENT-9:

Ian Trowbridge commented on San Diego Data Processing Corporation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:52 a.m.)

PUBLIC COMMENT-10:

Rebecca Hess-Eaves commented on the Falun Gaung resolution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:55 a.m.)

PUBLIC COMMENT-11:

Steve McWilliams commented on medical cannabis issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. – 10:58 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins extended happy birthday wishes to Council Member Frye and announced that January the 22nd is the beginning of the Chinese New Year.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:02 a.m. – 11:04 a.m.)

COUNCIL COMMENT-2:

Council Member Zucchet announced his state of the district will be held on January 22, 2004, at the Point Loma Library.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:05 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

City Attorney Gwinn commented on cases that the City Attorney's office is prosecuting.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:02 a.m.)

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

12/08/2003
12/09/2003
12/15/2003 - Adjourned
12/16/2003 – Adjourned
12/22/2003 – Adjourned
12/23/2003 – Adjourned
12/29/2003 – Adjourned
12/30/2003 – Adjourned
01/05/2004 – Adjourned
01/06/2004 – Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:09 a.m. – 10:09 a.m.)

MOTION BY ATKINS TO APPROVE. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-50: NOTE: This Item has been moved under the Adoption Agenda items for discussion, as Item #202.

* ITEM-100: Ratify Award of Contract for the Purchase of Security Guard Services at Various Sites per Bid No. 2627-00-P-RFP.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-596) ADOPTED AS RESOLUTION R-298786

Ratifying the award of contract by the Purchasing Agent to the low, responsive and responsible Bidder meeting specifications, The Wackenhut Corporation, San Diego, CA, for the purchase of Security Guard Services at Various City Sites per Bid No. 2627-00-P-RFP, as may be required for a period of one year beginning April 10, 2003 through April 9, 2004, for an estimated cost of \$1,182,132.68, terms Net 30 days, with option to renew the contract for one additional one-year period, with price escalations not to exceed Consumer Price Index (CPI) of prices in effect at the end of each prior contract year;

Authorizing the expenditure, \$194,879.81, from Fund No. 100, Department No. 532, Organization No. 2450, Object Account No. 4222, and Job Order No. 002101; \$148,816.57, from Fund No. 100, Department No. 532, Organization No. 2500, Object Account No. 4222, and Job Order No. 002260; \$10,629.75, from Fund No. 100, Department No. 532, Organization No. 2551, Object Account No. 4222, and Job Order No. 126206; \$404,602.73, from Fund No. 100, Department No. 310, Organization No. 4001, Object Account No. 4222, and Job Order No. 002024; \$68,082.18, from Fund No. 100, Department No. 443, Organization No. 2055, Object Account No. 4222, and Job Order No. 020551; \$14,589.02, from Fund No. 100, Department No. 443, Organization No. 2305, Object Account No. 4222, and Job Order No. 023051; \$14,589.02, from Fund

No. 100, Department No. 443, Organization No. 2457, Object Account No. 4222, and Job Order No. 024571; \$636.07, from Fund No. 41300, Department No. 1311, Organization No. 9101, Object Account No. 4222, and Job Order No. 006131; \$6,360.80, from Fund No. 41300, Department No. 1312, Organization No. 9201, Object Account No. 4222, and Job Order No. 001131; \$8,905.13, from Fund No. 41300, Department No. 1311, Organization No. 9301, Object Account No. 4222, and Job Order No. 002131; \$13,993.79, from Fund No. 41300, Department No. 1314, Organization No. 9401, Object Account No. 4222, and Job Order No. 003141; \$22,898.95, from Fund No. 41300, Department No. 1316, Organization No. 9601, Object Account No. 4222, and Job Order No. 673000; and \$10,813.39, from Fund No. 41300, Department No. 1317, Organization No. 9701, Object Account No. 4222, and Job Order No. 671100, solely and exclusively, for providing funds for said contract; and authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to ratify the award of contract to The Wackenhut Corporation for the purchase of security guard services at various sites, per Bid No. 2627-00-P-RFP. This contract provides for security services at City Administration Building, World Trade Center, Crabtree, various Library Branches, Balboa Park, and Development Review Center, using a combination of roving foot patrols, vehicle patrols, drive by patrols or stationary guards.

At time of contract award in Fiscal Year 2000, the City required an estimate of 56,785 hours of guard services and 52 weeks of drive-by services from The Wackenhut Corporation at the cost of \$812,818. Since Fiscal Year 2000, the City upgraded and increased security guard services for the City Administration Building and Library Branches and the Vendor was granted the minimal price increases per additional contract period. Through these increases, the Fiscal Year 2004 cost for security guard services reached \$1,182,132.68, which requires ratification by City Council of the Purchasing Agent's contract award.

Twenty-eight (28) potential Bidders were contacted and thirteen (13) bids were received per the tabulation. On March 14, 2000, the low responsible and responsive Bidder meeting specifications, The Wackenhut Corporation, San Diego, CA, was accepted and the subject contract was awarded by the Purchasing Agent on behalf of the City Manager, as a requirements contract for a period of one (1) year beginning April 10, 2000 through April 9, 2001, for a total estimated annual cost of \$812,818; with options to renew the contract for four (4) additional one (1) periods; with price escalations not to exceed Consumer Price Index (CPI) of prices in effect at the end of each prior contract year.

FISCAL IMPACT:

FY04 Estimated Cost (July 1, 2003 through April 9, 2004): \$919,797.00
Estimated Annual Cost (April 10, 2003 through April 9, 2004): \$1,182,132.68

Loveland/Baldwin/WR

Aud. Cert. 2400590.

FILE LOCATION: PURCHASE

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: State Block Grant 2003/2004 – “Citizen Options for Public Safety.”

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-677) ADOPTED AS RESOLUTION R-298787

Authorizing the Chief of Police to apply for, accept, and expend these Grant funds from the State of California for Fiscal Year 2003/2004 “Citizen Options for Public Safety”;

Authorizing the Chief of Police to execute all aspects of program operation, including any amendments, extensions, or renewals, for a period of up to five years, provided funding is made available by the State of California, and to certify that the City will comply with all applicable statutory or regulatory requirements related to said program;

Declaring that any resources received hereunder shall be used to supplement, and not to supplant expenditures controlled by this body; and that personnel positions, if any, funded under this grant are not subject to local hiring freezes.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department will receive approximately \$1,899,431 from the State of California under Assembly Bill 3229, "Citizen Options for Public Safety" (State COPS). The State designates these funds for "front line law enforcement services," and requires the City Council appropriate and approve these funds in accordance with the request of the Chief of Police.

The San Diego Police Department plans to use these funds for police automation, vehicle, communications, safety, forensic, training, and miscellaneous equipment, maintenance and resources as needs are identified. Expenditures will contribute to the safety and efficiency of law enforcement and crime prevention services throughout San Diego.

Please note: There is NO application form for these grant funds. Once approved in the State budget, they are transferred automatically.

FISCAL IMPACT:

There is no requirement for matching funds, and no requirement to continue grant funded activities or expenditures after grant funds are exhausted or terminated. State law requires that these funds supplement and not supplant funds otherwise available to law enforcement.

Uberuaga/Lansdowne/DJW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-102: El Cajon Boulevard BID Street Lighting.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-690) ADOPTED AS RESOLUTION R-298801

Authorizing the City Auditor and Comptroller to create a special interest fund, Fund No. 702341, Mid-City Maintenance Assessment District (MAD) Capital Improvement Fund;

Authorizing and directing the City Auditor and Comptroller to increase the Capital Improvement Project budget by appropriating \$200,000, Fund No. 702341, Mid-City MAD Capital Improvement Fund, into CIP-39-209.0, El Cajon Boulevard Commercial Revitalization;

Authorizing the City Auditor and Comptroller to transfer \$200,000 from Fund No. 70234, Mid-City Maintenance Assessment District, to Fund No. 702341, Mid-City Capital Improvement Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$200,000, Fund No. 702341, Mid-City MAD Capital Improvement Fund, from CIP-39-209.0, El Cajon Boulevard Commercial Revitalization, for the design and construction of street lights, contingent upon the City Auditor and Comptroller certifying that funds are available;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action will allow for the use of Mid-City Maintenance Assessment District funds to install street lights in the Mid-City District. In accordance with Proposition 218, funds collected by the District may only be used for purposes identified in the Assessment Engineer's Report.

The Mid-City Maintenance Assessment District was established in July 1987, and re-engineered in 1998. The District is subdivided into five sub-districts, and the Mid-City Assessment Engineer's Report authorizes street light installation within Sub-District No. 13. Sub-District No. 13 follows El Cajon Boulevard (between Interstate 805 and 54th Street) and is divided into two zones (split at 44th Street) due to the extent of benefit accrued to property owners.

This action creates a fund for the purpose of installing street lights for this district.

The Capital Improvement Program will be used as the mechanism to ensure proper capitalization. CIP-39-209.0, El Cajon Boulevard Commercial Revitalization-Interstate 805 to 54th Street, allows for the installation of street lights along El Cajon Boulevard east of Interstate 805 to 54th Street.

FISCAL IMPACT:

Funds for this purpose are available in the Maintenance Assessment District. For CIP-39-209.0, El Cajon Boulevard Commercial Revitalization, \$200,000 is available from Mid-City Fund 70234. There is no impact to the General Fund.

Loveland/Belock/DVW

Aud. Cert. 2400611.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:09 p.m. – 2:09 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: North Park Landscape and Lighting Improvements.

(Greater North Park Community Area. District-3.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-691) ADOPTED AS RESOLUTION R-298788

Amending the Fiscal Year 2004 Capital Improvement Program Budget by adding CIP-39-092.0, North Park Landscape and Lighting Improvements;

Authorizing the City Auditor and Comptroller to create a special interest fund, Fund No. 702491, North Park Maintenance Assessment District (MAD) Capital Improvement Fund;

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program budget by appropriating \$100,000, Fund No. 702491, North Park Maintenance Assessment District (MAD) Capital Improvement Fund, into CIP-39-092.0, North Park Landscape and Lighting Improvements;

Authorizing the City Auditor and Comptroller to transfer \$100,000 from Fund No. 70249, North Park Maintenance Assessment District, to Fund No. 702491, North Park MAD Capital Improvements Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$100,000, Fund No. 702491, North Park MAD Capital Improvements Fund, from CIP-39-092.0, North Park Landscape and Lighting Improvements, for the design and construction of street lights, contingent upon the City Auditor and Comptroller certifying that the funds are available;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action will allow for the use of North Park Maintenance Assessment District funds to install street lights in the North Park District. In accordance with Proposition 218, funds collected by the District may only be used for purposes identified in the Assessment Engineer's Report.

The North Park Maintenance Assessment District is situated within the Greater North Park Community Planning Area roughly from Monroe Avenue south to Juniper Street between Georgia Street and Interstate 805. It was originally established in April 1996 and re-engineered in 1998. According to the North Park Assessment Engineer's Report, the District provides for the installation of approximately 150 new mid-block street lights and streetscape improvements, which may include tree installation, tree grates, new sidewalk, gutter replacement, and pedestrian lights, within the boundaries of the Greater North Park area.

This action creates a fund and a capital improvement project for this district. CIP-39-092.0, North Park Landscape and Lighting Improvements, is a new CIP that will allow for proper capitalization.

FISCAL IMPACT:

Funds for this purpose are available in the Maintenance Assessment District. For new CIP-39-092.0, North Park Landscape and Lighting Improvements, \$100,000 is available from North Park Fund 70249. There is no impact to the General Fund.

Loveland/Belock/DVW

Aud. Cert. 2400612.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Talmadge Streetscape and Lighting Improvements.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-692) ADOPTED AS RESOLUTION R-298789

Authorizing the City Auditor and Comptroller to create a special interest fund, Fund No. 702591, Talmadge Maintenance Assessment District (MAD) Capital Improvement Fund;

Authorizing the City Auditor and Comptroller to transfer \$250,000 from Fund No. 70259, Talmadge Maintenance Assessment District, to Fund No. 702591, Talmadge MAD Capital Improvement Fund;

Authorizing and directing the City Auditor and Comptroller to increase the Capital Improvement Program budget by appropriating \$250,000, Fund No. 702591, Talmadge MAD Capital Improvement Fund, into CIP-39-010.0, Talmadge Streetscape and Lighting Improvements;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount of \$250,000, Fund No. 702591, Talmadge (MAD) Capital Improvement Fund, from CIP-39-010.0, Talmadge Streetscape and Lighting Improvements, for the design and construction of street lights and streetscape improvements, contingent upon the City Auditor and Comptroller certifying that the funds are available;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action will allow for the use of Talmadge Maintenance Assessment District funds to install street lights and streetscape improvements in the Talmadge District. In accordance with Proposition 218, funds collected by the District may only be used for purposes identified in the Assessment Engineer's Report.

The Talmadge Maintenance Assessment Community is situated between Fairmount Avenue and Collwood Boulevard, north of Monroe Avenue and south of Mission Valley. According to the Talmadge Assessment Engineer's Report, the District provides for the installation of ornamental street lighting, as well as restoration and replacement of historic gates and the construction of landscaping and ornamental lighting components at the traffic circle at the intersection of 49th Street and Adams Avenue.

This action creates a fund for this district. The Capital Improvement Program will be used as the mechanism to ensure proper capitalization of improvements.

FISCAL IMPACT:

Funds for this purpose are available in the Maintenance Assessment District. For CIP-39-010.0, Talmadge Streetscape and Lighting Improvements, \$250,000 is available from Talmadge Fund 70259 (\$215,000 for street lights and \$35,000 for the traffic circle project). There is no impact to the General Fund.

Loveland/Belock/DVW

Aud. Cert. 2400634.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Angle Parking on Hancock Street.

(Midway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-684) ADOPTED AS RESOLUTION R-298790

Establishing angle parking on the west side of Hancock Street between Channel Way and Sports Arena Boulevard, pursuant to authority conferred by and in accordance with the provisions of Section 86.03 of the San Diego Municipal Code;

Authorizing the installation of the necessary signs and markings to be made on said street, and the regulations imposed shall become effective upon the installation of such signs.

CITY MANAGER SUPPORTING INFORMATION:

This action permits angle parking on the west side of Hancock Street between Channel Way and Sports Arena Boulevard. This action increases the available parking by 50%. Council approval is required according to Municipal Code Section 86.03.

This action has been supported by the Midway Community Planning Group. A petition representing more than 75% of the affected property owners was submitted in support of this action.

FISCAL IMPACT:

Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Belock/DVW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Angle Parking on National Avenue, Newton Avenue, and Main Street.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-687) ADOPTED AS RESOLUTION R-298791

Establishing angle parking at the following locations, pursuant to authority conferred by and in accordance with the provisions of Section 86.03 of the San Diego Municipal Code:

- Southside of National Avenue between Cesar Chavez Parkway and Dewey Street;
- North and south side of Newton Avenue between Cesar Chavez Parkway and Dewey Street; and
- North side of Main Street between Cesar Chavez Parkway and Evans Street.

Authorizing the installation of the necessary signs and markings to be made on said streets, and the regulations imposed shall become effective upon the installation of such signs.

CITY MANAGER SUPPORTING INFORMATION:

This action will authorize the City Manager to install angle parking on:

- a) south side of National Avenue between Cesar Chavez Parkway and Dewey Street;
- b) north and south side of Newton Avenue between Cesar Chavez Parkway and Dewey Street; and
- c) north side of Main Street between Cesar Chavez Parkway and Evans Street.

The proposed angle parking will provide additional parking spaces for the residential and business community, including the community park. The angle parking fronts vacant land that is within the Barrio Logan Redevelopment Project Area.

The Barrio Logan Project Area Committee is in support of this action.

FISCAL IMPACT:

Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Belock/DVW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Angle Parking on Rosecrans Place.

(Midway Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-685) ADOPTED AS RESOLUTION R-298792

Establishing angle parking on the west side of Rosecrans Place between Cole Drive and Sellers Drive, pursuant to authority conferred by and in accordance with the provisions of Section 86.03 of the San Diego Municipal Code;

Authorizing the installation of the necessary signs and markings to be made on said street, and the regulations imposed shall become effective upon the installation of such signs.

CITY MANAGER SUPPORTING INFORMATION:

This action permits angle parking on the west side of Rosecrans Place between Cole Drive and Sellers Drive. A petition representing more than 75% of the affected property owners was submitted in support of this request. The request meets the criteria established for the installation of angle parking. This action increases the available parking by 27%. The Midway Community Planning Group voted in support of the installation of angle parking. Council approval is required according to Municipal Code Section 86.03.

FISCAL IMPACT:

Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Belock/DVW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Establishment of a Two-Hour Un-Metered Parking Zone on Via De La Valle.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-686) ADOPTED AS RESOLUTION R-298793

Establishing a two-hour un-metered time limit parking zone on the south side of Via De La Valle between San Andres Drive and a point 133 feet east, Sunday and certain holidays excepted, effective between the hours of 8:00 a.m. and 6:00 p.m., in accordance with the provisions of Section 86.04 of the San Diego Municipal Code;

Authorizing the installation of the necessary signs and markings be made on said street, and the regulations imposed shall become effective upon the installation of such signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes two-hour parking 8: 00 a. m. to 6: 00 p. m., Sundays and certain holidays excepted, on the south side of Via De La Valle between San Andres Drive and a point 133 feet east. This action is in accordance with Municipal Code Section 86.04 and Council Policy 200-04, Installation or Removal of Time Limit Parking Zones and Parking Meter Zones.

The land use adjacent to this segment of Via De La Valle is commercial (strip mall), and would benefit from an increased turnover in parking. Staff has conducted a parking duration study, which revealed a high level of occupancy and a low turnover, thus satisfying the minimum requirements for time limit parking. For that reason, this request is justified and adequate enforcement will be provided.

The owner of this property submitted a petition in support of time limit parking on south side of Via De La Valle between San Andres Drive and a point 133 feet east. In addition, the Carmel Valley Community Planning Board is in support of this action.

FISCAL IMPACT:

Funds for the installation of signs are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Belock/VW

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Reappointment to the Funds Commission.

(See memorandum from Mayor Murphy dated 1/7/2004, with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-707) ADOPTED AS RESOLUTION R-298794

Council confirmation of the reappointment of Sally Salazar Preston by the Mayor of the City of San Diego, to serve as a member of the Funds Commission, for a term expiring on January 28, 2008.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: Reappointment to the Civil Service Commission.

(See memorandum from Mayor Murphy dated January 8, 2004, with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-713) ADOPTED AS RESOLUTION R-298795

Council confirmation of the reappointment of Norman Seltzer by the Mayor, to serve as a member of the Civil Service Commission, for a term ending January 9, 2009.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Museum of Photographic Arts 20th Anniversary Day.

DEPUTY MAYOR ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2004-701) ADOPTED AS RESOLUTION R-298796

Recognizing the Museum of Photographic Arts for its efforts to advance the appreciation of photographic arts, and heartily congratulates the museum on the occasion of its 20th anniversary;

Proclaiming January 10, 2004 to be "Museum of Photographic Arts 20th Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Market Street Village Affordable Housing and Single Room Occupancy Agreements with EV Two for the Construction of Twenty-Four Studio Apartments (East Village).

(See San Diego Housing Commission Report No. CCR04-001. East Village Community Area. District-2.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-695 Cor. Copy) ADOPTED AS RESOLUTION R-298802

Approving the alternative method of complying with the City's Single Room Occupancy (SRO) regulations, for purposes of ensuring the production of twenty-four new affordable units and upgrading the health, safety, and welfare of the housing stock, located in downtown San Diego between 11th and 13th Streets along Market Street in the East Village;

Authorizing the City Manager to execute the Affordable Housing and Single Room Occupancy Agreement and agreement imposing covenants, conditions and restrictions on real property, and inclusionary housing in Lieu Fee Agreement and any other documents necessary to protect the City's rights under the approved agreements.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:17 p.m. – 5:23 p.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: **REFERRED TO CLOSED SESSION**

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium.

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers.

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to City Council discussion in Closed Session and in compliance with the Brown Act (California Government Code Section 54956.8), this item is listed on the docket **only** for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the City Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

NOTE: Members of the public wishing to address the City Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 11:05 a.m. – 11:06 a.m.)

Mayor Murphy closed the hearing and referred the matter to Closed Session.

ITEM-202: Three actions related to Revisions to Building and Fire Regulations Resulting from the Cedar Fire.

(See City Manager Report CMR-04-005.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the ordinance in Subitem A, and introduce the ordinances in Subitems B and C:

Subitem-A: (O-2004-88 Cor. Copy) NOTED AND FILED

Introduction and adoption of an Emergency Ordinance of the Council amending Chapter 14, Article 5, Division 2, of the San Diego Municipal Code by amending Section 145.0202; and by adding a new Division 5, titled "Additional Building Standards for Buildings Located Adjacent to High Fire Hazard Areas," and Section 145.0501, 145.0502, 145.0503, 145.0504, and 145.0505, all pertaining to Building Regulations within High Fire Hazard Areas.

NOTE: 6 votes required pursuant to Section 17 of the City Charter.

Subitem-B: (O-2004-83 Cor. Copy) INTRODUCED, TO BE ADOPTED ON
MONDAY, FEBRUARY 2, 2004

Introduction of an Ordinance amending Chapter 14, Article 5, Division 2, of the San Diego Municipal Code by amending Section 145.0202; and by adding a new Division 5, titled "Additional Building Standards for Buildings located Adjacent to High Fire Hazard Areas," and Sections 145.0501, 145.0502, 145.0503, 145.0504, and 145.0505, all pertaining to Building Regulations within High Fire Hazard Areas.

Subitem-C: (O-2004-85) REFERRED TO ALL APPROPRIATE
COMMITTEES

Introduction of an Ordinance amending the existing Development Services Department fee schedule, which was adopted by City Council by Ordinance Number O-19184 on June 3, 2003, to add a new fee for sprinkler system plan check and inspection services created by the newly adopted regulations related to construction on lots adjacent to High Fire Hazard Areas as listed in Manager Report CMR-04-005.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:17 a.m. – 11:57 a.m.; 2:10 p.m. – 5:01 p.m.)

MOTION BY MAIENSCHIN TO NOTE AND FILE THE ORDINANCE IN SUBITEM A; INTRODUCE THE ORDINANCE IN SUBITEM B TO APPROVE ITEM NUMBER 1 IN THE CITY MANAGER’S REPORT DATED JANUARY 14, 2004, TO AMEND SECTION 145.0202 OF THE MUNICIPAL CODE TO REQUIRE CLASS “A” ROOFING ASSEMBLY FOR ALL NEW BUILDINGS, AND THROUGHOUT THE ROOF OF ALL EXISTING BUILDINGS WERE MORE THAN 25 PERCENT OF THE TOTAL ROOF AREA IS REPLACED OVER A TWELVE MONTH PERIOD. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY MAIENSCHIN TO APPROVE ITEM NUMBER 2 IN THE CITY MANAGER’S REPORT DATED JANUARY 14, 2004, TO AMEND SECTION 145.0202 OF THE MUNICIPAL CODE TO PROHIBIT THE USE OF WOOD SHAKE OR WOOD SHINGLE ROOF COVERINGS ON ALL NEW ROOFS THE ENTIRE ROOF OF ALL EXISTING BUILDINGS COVERED WITH WOOD ROOF COVERING IS REQUIRED TO BE WITH A CLASS “A” ROOFING INCLUDING NO WOOD COVERING WHERE MORE THAN 25 PERCENT OF THE TOTAL ROOF AREA IS REPLACED OVER A TWELVE MONTH PERIOD. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-nay, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY MAIENSCHIN TO REFER PORTION OF THE ORDINANCE IN SUBITEM B, “SECTION 145.0202”, SUBSECTION “H”, AND SUBITEM C TO ALL APPROPRIATE COMMITTEES AND PROVIDE A STATUS REPORT TO COUNCIL IN 90 DAYS. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: Notice of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a “Notice of Completion and Acceptance of Subdivision Improvement Agreement” indicating that the improvements included in the Subdivision

Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

COMMUNITY AREA

Cortez Hill Condominiums
Carmel Village
Carmel Oaks Unit No. 1

Centre City
Carmel Valley
Carmel Valley

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ITEM-330: Fairway Views.

Matter of approving, conditionally approving, modifying or denying an application for a Tentative Map, Easement Abandonment and Coastal Development Permits (TM/EA/CDP) to create a three-parcel tentative map on a vacant 2.70 acre site and to amend Coastal Development Permit No. 99-0501 (6906 Fairway Road) to include the proposed lot configuration. The three proposed parcels would be developed with single-family residences (one of which was previously approved under CDP 99-0501). The undeveloped project site is located north of Nautilus Street, east of the La Jolla Country Club golf course, and south of Fairway Road in the La Jolla Community Plan area and is zoned R-1-10. The project proposes to vacate portions of existing water and storm drain easements on the project site. The project was submitted in December 1999 and is therefore subject to the Municipal Code that was in effect prior to January 1, 2000.

(See City Manager Report CMR-04-004/Tentative Parcel Map No. 8183/Easement Abandonment No. 22071/Coastal Development Permit Nos: 8182, 11492 & 11493/Mitigated Negative Declaration No. 99-1357/PTS No. 3188. La Jolla Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in subitem A; adopt the resolution in subitem B to grant the tentative map; and adopt the resolution in subitem C to grant the permits.

Subitem-A: (R-2004-563) CONTINUED TO TUESDAY, APRIL 13, 2004

Adoption of a Resolution certifying that the information contained in Mitigated Negative Declaration No. 99-1357, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.) as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Fairway Views project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 2108.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2004-564) CONTINUED TO TUESDAY, APRIL 13, 2004

Adoption of a Resolution granting or denying Tentative Parcel Map No. 8183 and Public Easement Vacations No. 22071, for the Fairway Views Project(3188), with appropriate findings to support Council action.

Subitem-C: (R-2004-) CONTINUED TO TUESDAY, APRIL 13, 2004

Adoption of a Resolution granting or denying Coastal Development Permit Nos: 8182, 11492 & 11493, for the Fairway Views Project (3188), with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on October 16, 2003, voted 5-0 to recommend approval of the project with the following conditions:

1. that the previously disturbed areas be revegetated according to the original plan and that the potential for pedestrian access be looked at;
2. prior to recordation of the first final map, subdivider shall provide 55 feet of irrevocable offer of dedication for the mission segment of Fairway Road satisfactory to the City Engineer; and
3. open space easement will be placed over the area that is shown as Exhibit 16 on the applicant's presentation.

Ayes: Lettieri, Brown, Chase, Garcia, Ontai

Recusing: Schultz, Steele

The La Jolla Community Planning Group did not comment on the revised project plan prior to the October 16 Planning Commission hearing. However, on December 4, 2003, the Group voted 10-3-1 in favor of a motion opposing the traffic revisions on Nautilus Street associated with the project between Muirlands and Via Valverde (re-stripping to add a turn lane). In response, the applicant has agreed to eliminate the re-stripping and staff have removed it as a project feature and condition. The project heard by Planning Commission on September 11 proposed the development of five single family homes. On June 5, 2003, the La Jolla Community Planning Group approved a motion by a vote of 10-8-0 to direct the project to the Traffic and Transportation Committee for review. Since the applicant had met with the Permit Review Committee of the Planning Group on four previous occasions, the applicant elected not to take the project to the Traffic and Transportation Committee, and instead chose to proceed directly to a Planning Commission hearing.

CITY MANAGER SUPPORTING INFORMATION:

The Fairway Views project now proposes to create a three lot subdivision for the development of three single-family homes on the 2.7 acre undeveloped site. Proposed lot sizes range from 31,353 square feet to 44,732 square feet, which is consistent with the requirement of the R-1-10

zone (10,000 square foot minimum lot). The three homes proposed with this project range in size from 8,500 square feet to 10,400 square feet, including attached 3 car garages.

Two of the proposed residences are located on the southern edge of the site along Nautilus Street and would take access off of Nautilus Street via a shared 25 foot driveway. The third home, which was previously approved for development by CDP No. 99-0501 (Waltz Residence), would be located on the northern part of the property with access from Fairway Road. The Fairway Views project would amend CDP No. 99-0501 to reflect the new parcel configuration and to make it consistent with the requirements of the Tentative Parcel Map.

Portions of three easements are proposed to be abandoned with this project. The first would vacate an earth excavation or embankment, slope, and drain easement that runs across the southern part of the property along Nautilus Street. A new storm drain easement is proposed to accommodate the existing storm drain on the southwestern corner of the property. The second and third easement abandonments would vacate portions of an existing water easement along the eastern border of the site.

The project includes a building restricted easement on the southwestern corner of the project site, primarily due to geotechnical issues. With the reconfiguration of the size and number of parcels, the size of this building restricted easement has increased to 9,300 square feet. In addition to this building restricted easement, the Planning Commission recommended that an open space easement be placed over the area that is shown conceptual in exhibit 16 of the applicant's presentation. The project as proposed now includes this open space easement area, which consists of approximately one acre.

FISCAL IMPACT:

All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Ewell/Christiansen/VLG

LEGAL DESCRIPTION:

The project site is located in the La Jolla Community Planning Area, north of Nautilus Street, east of the La Jolla Country Club golf course, and south of Fairway Road, with the parcel that was previously approved, located at 6906 Fairway Road.

FILE LOCATION: LUP – Fairway Views (65)

COUNCIL ACTION: (Time duration: 10:09 a.m. – 10:11 a.m.)

MOTION BY PETERS TO CONTINUE TO TUESDAY, APRIL 13, 2004 FOR FURTHER REVIEW. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S500: City Endorsement of 10-Year Planning Process to End Chronic Homelessness in the San Diego Region.

COUNCILMEMBER ZUCCHET'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-721) ADOPTED AS RESOLUTION R-298797

Declaring that a joint effort with the County of San Diego will actively collaborate to develop a 10-year Plan to End Chronic Homelessness for the region by engaging a broad spectrum of representatives from service providers, cities, the state, businesses, faith-based organizations, advocates, community institutions, healthcare institutions, the foster care system, and law enforcement agencies to promote and implement the necessary policies to work toward the elimination of chronic homelessness.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:13 a.m. – 10:24 a.m.)

MOTION BY ZUCCHET TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S501: Asian Business Association Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-712) ADOPTED AS RESOLUTION R-298798

Declaring January 20, 2004, to be “Asian Business Association Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:27 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S502: Marv Siesel Day.

COUNCILMEMBER MADAFFER’S RECOMMENDATION:

Adopt the following resolution:

(R-2004-714) ADOPTED AS RESOLUTION R-298799

Proclaiming January 11, 2004, to be “Marv Siesel Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m. – 10:13 a.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S503: Exclusive Sale of Property to San Diego Unified School District.

(Golden Hill and Logan Heights Community Areas. District-8.)

(Continued from the meeting of January 13, 2004, Item 111, at the request of the City Manager, to correct an error in the accounting information in order to comply with City Charter Section 77.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-647) ADOPTED AS RESOLUTION R-298800

Authorizing the City Manager to conduct an exclusive sale of and convey to the San Diego Unified School District the C Street Property, consisting of a portion of Lot 48, Block 123 of Choate's Addition;

Authorizing the City Manager to conduct an exclusive sale of and convey to the San Diego Unified School District the Greely Avenue Property, consisting of a portion of Lots 1 and 2, Block 339 of Choate's Addition, two portions of unnumbered lots in Block 44 of H.P. Whitney's Addition, being the east half of Pueblo Lot 1162, and affecting Lot 48, Block 123 of Choate's Addition;

Authorizing the City Manager to execute the four Quitclaim Deeds in favor of the San Diego Unified School District.

CITY MANAGER SUPPORTING INFORMATION:

33rd and C Street Parcel: The City acquired the subject parcel in 1948, via a deed from the San Diego County Tax Collector. The original purchase price was \$26. In 1990, the property was designated for public park use, and is referred to as the C Street Mini-Park. However, the Park and Recreation Department has stated that the parcel does not meet the size criteria as a mini-park, according to Council Policy 700-34, which requires a minimum of 5,000 square feet. The subject unimproved lot is 25 by 140 feet, containing approximately 3,500 square feet. The School District has acquired all contiguous parcels for construction of the new Golden Hill Elementary School. Since no further expansion is possible, and the park does not meet minimum size requirements, there are no current or future plans to develop the site as a park. (APN 539-562-08)

The School District is offering to purchase the property for \$120,000. City valuation staff has reviewed the offer, and concluded that it is within the upper range of market value for similar parcels on the market.

Greely Street Parcels: The City acquired the larger of the three parcels (APN 545-662-16) in 1948, via a deed from the San Diego County Tax Collector. The original purchase price was \$39. It has been declared surplus land since 1992. It is triangular shaped, and contains approximately 2,205 square feet. The other two parcels are remnants abutting the alley south of Greely Avenue and contain approximately 250 square feet and 300 square feet each. (APN 545-662-15 & 49)

The School District has requested the sale of these parcels to facilitate construction of Rodriguez Elementary School. The School District is offering to purchase these three parcels for a total of \$32,000. City valuation staff has reviewed the offer, and concluded that it is within the range of market value for similar properties on the market.

FISCAL IMPACT:

1. ~~The amount of \$120,000 will be deposited into Park Service District Fee Fund 11640.~~
2. The amount of ~~\$32,000~~ \$152,000 will be deposited into Capital Outlay Fund 302453. (Rev.)

Herring/Griffith/ACG

FILE LOCATION: DEED F-9635

COUNCIL ACTION: (Time duration: 11:06 a.m. – 11:06 a.m.)

MOTION BY INZUNZA TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S504: Two actions related to Otay Mesa Trunk Sewer (OMTS) Phase II Participation Agreement and Cal Terraces Offsite Sewer.

(See memorandum from Scott Tulloch dated 1/8/2004 and letter from Rob Hixson dated 12/17/2003. Otay Mesa and San Ysidro Community Areas. District-8.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2004-727) ADOPTED AS RESOLUTION R-298803

Authorizing the City Manager to negotiate and execute a First Amendment to the Participation Agreement with Pardee Construction Company to accelerate design and construction of certain portions of Phase II of the Otay Mesa Trunk Sewer affecting the Old Otay Mesa Road improvements, for an additional amount not to exceed \$6,192,407;

Authorizing the City Manager to revise the contract phase funding schedule with Pardee Construction Company as follows, with a total authorization not to exceed \$12,550,347:

<u>Funding Phase</u>	<u>Fiscal Year</u>	<u>Amount</u>	<u>Comment</u>
Phase 1	2002	\$2,058,990	-
Phase 2	2004	\$1,294,357	-
Phase 3	2005	\$3,004,593	Contingent on Council approval of this funding in the originating department's FY 2005 operating budget.
Phase 4	2005	\$6,192,407	Contingent on Council approval of this funding in the originating department's FY 2005 operating budget.
Total		\$12,550,347	

Approving the funding of Phase 2 per the revised phase funding schedule set forth above in the amount of \$1,294,357 from CIP-40-930.0, Otay Mesa Trunk Sewer;

Authorizing the City Manager to execute a consultant agreement with Berryman & Henigar for Cost Reimbursement Engineering, for an amount not to exceed \$112,900;

Authorizing the expenditure of an amount not to exceed \$7,437,307 from Sewer Fund 41506, CIP-40-930.0, Otay Mesa Trunk Sewer, solely and exclusively, to provide funds for the above project, of which \$6,192,407 is for the purpose of funding Amendment No. 1 to the Participation Agreement, \$112,900 is for funding the consultant agreement with Berryman & Henigar, \$620,000 for related costs, and \$512,000 for project contingency (to be transferred as needed from Fund 41506, CIP-46-193.0, Pooled Contingencies), provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Declaring that of said expenditure not to exceed \$7,437,307 set forth above, \$404,900 is to be funded in Fiscal Year 2004, and \$7,032,407 will be funded in Fiscal Year 2005, contingent on Council approval of this funding in the originating department's FY 2005 operating budget;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

Subitem-B: (R-2004-728) ADOPTED AS RESOLUTION R-298804

Certifying that the Addendum to the Environmental Impact Report for Project No. 23866 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Phase II of the Otay Mesa Trunk Sewer Project;

Adopting the Mitigation Monitoring and Reporting Program, pursuant to California Public Resources Code Section 21081.6, to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 1/14/2004, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

In order to provide adequate sewage conveyance capacity and accommodate further growth in the Otay Mesa community, the City Council approved a Participation Agreement with Pardee Homes, on December 3, 2001, Resolution No. R-295816 to provide design and construction services for the Otay Mesa Trunk Sewer (OMTS) Phase II in the amount of \$36,483,992. Funding for planning and design phase in the amount of \$6,357,940 was also authorized.

Because the Princess Park Estates subdivision, which is within the California Terraces Precise Plan, requires the improvement of Otay Mesa Road, it is necessary to accelerate a portion of the construction of the OMTS Phase II, in order to avoid excavating within the newly constructed street improvements. This action, which includes the California Terraces Offsite Sewer Connection, will amend the current agreement with Pardee Homes, authorizing the funds for the construction of this accelerated portion. In addition, this action will certify the Amendment to the California Terraces Environmental Impact Report (California Terraces Offsite Sewer Connection, Project No. 23866) to include the construction of this portion of the OMTS Phase II.

To recover the expenses for OMTS, the City is creating a cost reimbursement mechanism to obtain reimbursement from those parties who will be the beneficiaries to this project. This action will also authorize approval of an agreement with Berryman & Henigar, Inc. in an amount not to exceed \$112,900 for cost reimbursement engineering, for the OMTS, Phase II, to determine the allocation of cost to the beneficiaries of this project.

FISCAL IMPACT:

The total project cost is \$13,795,247 of which \$6,357,940 has been previously authorized by Resolution No. R-295816 on December 3, 2001, for the Pardee Homes agreement. The total of this request is \$7,437,307 of which \$6,192,407 increases the Pardee Homes agreement to \$12,550,347, \$112,900 is for the Berryman & Henigar agreement, \$620,000 is for related costs, and \$512,000 is for contingency. Funds are available in Sewer Fund No. 41506, CIP-40-930.0, Otay Mesa Trunk Sewer to fund \$1,699,257 in Fiscal Year 2004, including \$1,294,357 for a previously authorized unfunded phase, and \$10,037,000 in Fiscal Year 2005, including \$3,004,593 for a previously authorized unfunded phase, for a total of \$11,736,257. It is anticipated that this contract will be phase-funded in an amount of \$9,197,000 for Fiscal Year 2005.

Loveland/Tulloch/AS

Aud. Certs. 2400682 and 2400683.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 5:15 p.m. – 5:17 p.m.)

MOTION BY INZUNZA TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:36 p.m.

Roy Drew and Elizabeth Wolf, as requested by Council Member Peters;
Mollie Grad, as requested by Council Member Zucchet;
Helen Hill, as requested by Council Member Atkins; and
Ed Butler and the earthquake victims of Iran, as requested by Mayor Murphy.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Time duration: 5:23 p.m. – 5:36 p.m.)